

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

RODNEY DAREL RUSS,	§	
Petitioner,	§	
VS.	§	CIVIL ACTION NO. 4:07-CV-396-Y
	§	
NATHANIEL QUARTERMAN,	§	
Director, T.D.C.J.	§	
Correctional Institutions Div.,	§	
Respondent.	§	

ORDER ADOPTING MAGISTRATE JUDGE'S FINDINGS AND CONCLUSIONS

Before the Court is a petition for writ of habeas corpus under 28 U.S.C. § 2254 by Rodney Darel Russ, along with the December 21, 2007, findings, conclusions, and recommendation of the United States magistrate judge. The magistrate judge gave the parties until January 11 to file written objections to the findings, conclusions, and recommendation. As of the date of this order, no written objections have been filed.<sup>1</sup>

The Court has reviewed the pleadings and the record in this case, and has reviewed for clear error the proposed findings, conclusions and recommendation of the United States magistrate judge filed on December 21, 2007. The Court concludes that the petition for writ of habeas corpus should be dismissed for the reasons stated in the magistrate judge's findings and conclusions.

Therefore, the findings, conclusions and recommendation of the magistrate judge are ADOPTED.

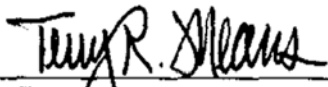
Respondent Quarterman's September 4, 2007, motion to dismiss [docket no. 8] is GRANTED.

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<sup>1</sup>As the magistrate judge noted in his report, Russ has been released from custody. He has still not updated his address of record with the clerk of Court, and thus, his copy of the report was returned with the stamped notation: "Return to Sender-Not Deliverable as Addressed-Unable to Forward."

Rodney Darel Russ's petition for writ of habeas corpus under 28 U.S.C. § 254 is DISMISSED WITHOUT PREJUDICE, except as to any application of the federal statute of limitations or other federal procedural bar that may apply.<sup>2</sup>

SIGNED January 17, 2008.

  
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TERRY R. MEANS  
UNITED STATES DISTRICT JUDGE

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<sup>2</sup>A one-year statute of limitations is now applicable to the filing of non-capital § 2254 habeas corpus petitions in federal court. See 28 U.S.C.A. § 2244(d)(1-4)(West 2006). The statute of limitations is tolled, however, while a properly filed application for state post-conviction or other collateral review is pending. 28 U.S.C.A. § 2244(d)(2)(West 2006).